

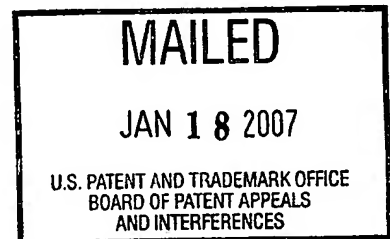
The opinion in support of the decision being entered today was *not* written for publication in and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHANNA FRAKI, KIMMO HAMYNEN and MARTIN ZILLIACUS

Appeal 2006-3073
Application 10/033,151
Technology Center 3600



ON BRIEF

Decided: January 18, 2007

Before GROSS, LEVY, and FETTING, *Administrative Patent Judges*.

FETTING, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal involves claims 1 through 26, the only claims pending in this application. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 134.

We AFFIRM.

BACKGROUND

The appellants' invention relates to administering digital collectible cards or objects for mobile terminals. (Spec. 1). An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A method for administering digital collectible trading cards in a cellular mobile communication network, comprising the steps of:
identifying a user of a cellular mobile phone in the communication network from subscriber identity information of the user in the cellular mobile communication network, the user entering the cellular mobile communication network using the cellular mobile phone and the subscriber identity information; and
associating a digital collectible trading card with the user based on the subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone.

PRIOR ART

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Beuk ¹	US 5,774,673	Jun. 30, 1998
Filler	WO 00/11827	Mar. 2, 2000
Peppel	US 6,200,216 B1	Mar. 13, 2001
Treyz et al. (Treyz)	US 6,587,835 B1	Jul. 1, 2003 (Feb. 9, 2000)

¹ Beuk is not listed among the Evidence Relied Upon (Answer 2-3), but is applied against claim 4 (Answer 8).

Atsmon US 6,607,136 B1 Aug. 19, 2003
(May 12, 0200)

Yu et al. (Yu) US 6,684,087 B1 Jan. 27, 2004
(May 7, 1999)

REJECTIONS

Claims 1 through 3, 5 through 7, 9 through 12, 14 through 21, 23, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as obvious over Filler and Yu.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Beuk.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Peppel.

Claims 8 and 24 stand rejected under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Treyz.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Atsmon.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the examiner's answer (mailed Jan. 24, 2006) for the reasoning in support of the rejection, and to appellants' brief (filed Oct. 25, 2005) and reply brief (filed Mar. 28, 2006) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to

the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations that follow.

Claims 1 through 3, 5 through 7, 9 through 12, 14 through 21, 23, 25 and 26 rejected under 35 U.S.C. § 103(a) as obvious over Filler and Yu.

The examiner has applied Filler to the concept of a digital trading card that is associated with user identification in the claimed subject matter, and relied on Yu to apply Filler's trading card within the context of a cellular phone. (Answer 3-4). We note that although the appellants have written arguments for independent claims 1 and 21 separately, the arguments set forth under each of these claims are substantially the same and we address them together.

The appellants argue that

because neither reference discloses or suggests identifying a user of a cellular mobile phone in the communication network from subscriber identity information of the user in the cellular mobile communication network, the combination of Filler and Yu fails to render this feature obvious, and the requirements of an obviousness rejection have not been met.

(Br. 6-7).

The examiner responds that Filler identifies a user from subscriber identity information, pointing to p. 10, lines 8-9, and that Yu teaches obtaining images such as Filler's on a cellular phone. (Answer 11-12). The appellants further argue that Filler's user ID is not subscriber identity information as known in the art. (Reply Br. 2). The appellants provide no evidence for this assertion, nor is there any lexicographic definition in the disclosure. We note that the ordinary meaning of "subscriber identity information" is thus information regarding the identity of a subscriber, which is clearly met by Filler's user ID. Further, the appellants admit that cellular phones provide such unambiguous user identification information

from the SIM (Subscriber Identity Module) card in the phone. Given that Filler requires user identification and cell phones provide this user identification, a person of ordinary skill in the art would have found it obvious to rely upon the information already available to supply Filler's information requirement.

We note that Filler on p. 10 does indeed describe identifying a user of a terminal in a communication network from subscriber identity information of the user in the communication network. The difference between this and what the appellants argue is that, in the appellants' claim, the communications network is a cellular communication network. However, Yu provides motivation for using a cellular phone in implementing such a terminal because, "[t]o provide mobility and portability of the internet, interactive two-way communication mobile devices are introduced." (col. 1 lines 34-36). Therefore, the combination of Filler and Yu suggests identifying a user of a cellular mobile phone in a communication network from subscriber identity information of the user in a cellular mobile communication network.

The appellants further argue that

there is no associating a digital collectible trading card with a user based on the subscriber identity of the user in the cellular mobile communication network received from the cellular mobile phone. As mentioned above, Yu may include the words "subscriber ID," but the subscriber ID of Yu is created and administered by a carrier administering link server 300 as part of an account activation procedure. The advantageous way of utilizing the subscriber identity of the user in the cellular mobile communication network for associating the card is not disclosed or suggested.

(Br. 8).

The examiner responds that Filler describes using the subscriber identity of the user to associate the user with a trading card, citing p. 2, lines 17-20 and p. 15,

lines 28-32. The examiner relies on Yu's teaching of a cellular phone as an internet terminal to apply a cellular phone's subscriber identity to the linkage taught by Filler. (Answer 3). We note that the examiner is correct in that Filler relies on the user's internet subscriber identification to link to a trading card.

Once the user has accessed the site, the user registers, e.g., by filling out a browser based form in which the user provides certain information and inputs a unique user identification code as is illustrated in steps 140-160. In the preferred embodiment this code includes a username and a password. As depicted in step 170, the user database 50 establishes a record for the user with all the requested information, assigns a unique registration number to the user, allocates a download directory to be used for all file downloads to the user's computer system, and creates a keyfile. This information may then be used to track all cards given or sold to the user (p. 10 lines 9-21).

A person of ordinary skill in the art would, in applying Filler's linkage to trading cards within the context of Yu's cellular phone as an internet terminal, would have immediately envisaged using the very subscriber information that is used to access the cellular network as the subscriber information that is used to link Filler's trading cards based on their commonality of usage as linking data. Therefore, we find the appellants' arguments to be unpersuasive.

Finally, the appellants argue that Yu is non-analogous art. (Br. 9). As we noted above, Yu provides motivation for using a cellular phone for such a terminal because, "[t]o provide mobility and portability of the internet, interactive two-way communication mobile devices are introduced." (col. 1 lines 34-36). Yu is therefore directed to the same problem as the appellants' invention in obtaining images from the internet in a mobile and portable context, and is thus analogous art. Therefore, we find the appellants' arguments to be unpersuasive.

Accordingly we sustain the examiner's rejection of claims 1 through 3, 5 through 7, 9 through 12, 14 through 21, 23, 25 and 26 under 35 U.S.C. § 103(a) as obvious over Filler and Yu.

Claim 4 rejected under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Beuk.

The appellants argue that claim 4 is patentable for the same reasons as claim 1 (Br. 13), and we find this unpersuasive for the reasons we recited, *supra*. Accordingly we sustain the examiner's rejection of claim 4 under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Beuk.

Claim 13 rejected under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Peppel.

The appellants argue that claim 13 is patentable for the same reasons as claim 1 (Br. 13), and we find this unpersuasive for the reasons we recited, *supra*. Accordingly we sustain the examiner's rejection of claim 13 under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Peppel.

Claims 8 and 24 rejected under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Treyz.

The appellants argue that claims 8 and 24 are patentable for the same reasons as claims 1 and 21 (Br. 13), and we find this unpersuasive for the reasons we recited, *supra*. Accordingly we sustain the examiner's rejection of claims 8 and 24 under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Treyz.

Claim 22 rejected under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Atsmon.

The appellants argue that claim 22 is patentable for the same reasons as claim 21 (Br. 14), and we find this unpersuasive for the reasons we recited, *supra*. Accordingly we sustain the examiner's rejection of claim 22 under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Atsmon.

CONCLUSION

To summarize,

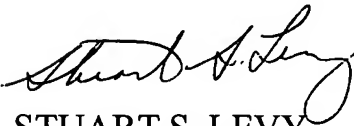
- The rejection of claims 1 through 3, 5 through 7, 9 through 12, 14 through 21, 23, 25 and 26 under 35 U.S.C. § 103(a) as obvious over Filler and Yu is sustained.
- The rejection of claim 4 under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Beuk is sustained.
- The rejection of claim 13 under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Peppel is sustained.
- The rejection of claims 8 and 24 under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Treyz is sustained.
- The rejection of claim 22 under 35 U.S.C. § 103(a) as obvious over Filler, Yu and Atsmon is sustained.

No time period for taking any subsequent action in connection with this appeal
may be extended under 37 CFR § 1.136(a).

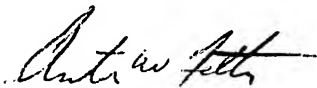
AFFIRMED



ANITA PELLMAN GROSS)
Administrative Patent Judge)



STUART S. LEVY)
Administrative Patent Judge)



ANTON W. FETTING)
Administrative Patent Judge)

) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES

Appeal Number: 2006-3073
Application Number: 10/033,151

PERMAN & GREEN

425 POST ROAD

FAIRFIELD, CT 06824

AWF/lg